

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VAUGHN G., et al. *

Plaintiffs *

v. * CIVIL ACTION NO. MJG-84-1911
(Exempt from ECF)

MAYOR and CITY COUNCIL OF *

BALTIMORE, et al. *

Defendants *

* * * * *

EMERGENCY ORDER
RE: INTENSIVE MANAGEMENT AND CAPACITY IMPROVEMENT PLAN

For the reasons set forth in the Memorandum of Decision

Re: Emergency Order issued this date:

1. The Maryland State Department of Education ("MSDE") shall forthwith commence execution of the MSDE Plan outlined in Exhibit 4 to the Brief of the State Defendants, [Paper 1517], (hereinafter referred to as "the Plan"), with the objective of bringing the special education function of the Baltimore City Public School System, ("BCPSS"), into compliance with Court Orders, achieving the outstanding Ultimate Measurable Outcomes,¹ enabling the disengagement of BCPSS from MSDE under this Order, and facilitating the successful termination of the instant litigation.
2. The aforesaid direction is subject to the following conditions:
 - a. Initial priority shall be given, on an emergency basis, to the delivery of special

¹ See, Consent Order Approving Ultimate Measurable Outcomes, [Paper 950], issued May 4, 2000, and Stipulation and Consent Order Regarding Ultimate Measurable Outcomes, [Paper 1287], signed July 28, 2003.

education services on a current basis commencing the beginning of the 2005/06 school year (and continuing thereafter), the cessation of interruptions in services, and the achievement of the outstanding Ultimate Measurable Outcomes referenced above.

- b. The Court shall, expeditiously, proceed to Order appropriate modifications of the Plan so as to narrowly tailor the extent of reduction of control by the BCPSS Board to that necessary to achieve compliance with Court Orders and related federal law pertaining to special education.
 - c. The MSDE shall promptly provide the Court with a proposal to utilize the services of David Gilmore and/or equivalent designated management or education consultants to assist in the expeditious development of a course of action to achieve the aforesaid objectives of this Order.
 - d. The MSDE shall, while operating under this Order, provide the Special Master with all requested information and access to pertinent records so as to facilitate her monitoring the parties' actions under this Order and making recommendations to the Court and the parties relating thereto.
- 3. In carrying out its duties under this Order, the MSDE shall have all authority to act provided by state and federal law.
 - 4. The MSDE and BCPSS as well as both of their management and employees shall exercise good faith and make all reasonable efforts to cooperatively achieve the objectives of this Order.
 - a. In the event of any unresolved disagreement between BCPSS and MSDE regarding any matter within the scope of this Order, BCPSS, its

management and employees shall abide by the decision of the MSDE unless and until this Court shall Order otherwise

b. In regard to any such disagreement:

- (1) The Office of Special Master shall attempt to mediate the matter so as to facilitate agreement.
- (2) Absent agreement, BCPSS may, by motion, seek relief from the Court.
- (3) The Court shall, in response to any such motion, provide for a resolution procedure appropriate to the dispute.

5. By August 26, 2005, the parties shall submit an agreed proposal, or their respective separate proposals, for the delivery of outstanding compensatory services due students from the 2004/05 school year.

a. The Special Master shall be available to assist the parties in this endeavor.

b. If separate proposals are submitted, the Court shall set a procedure for the prompt determination of which proposal is to be adopted.

6. The Special Master shall, after consultation with the parties, submit a proposal to the Court with regard to the functions of the Office of Special Master in regard to monitoring, reports to the Court, and assisting the parties during the 2005/06 school year.

7. At the end of the 2005/06 school year and such other times as may be appropriate, the Court shall review the status of BCPSS compliance with applicable Court Orders and shall determine the extent to which the scope of authority and activities of MSDE under this Order shall be modified or rescinded altogether.

SO ORDERED, on Friday, August 12, 2005.

_____/ s /_____
Marvin J. Garbis
United States District Judge